

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DAVID CLEARY,**  
**Plaintiff,**

**v.**

**ATRIA MANAGEMENT COMPANY,  
LLC d/b/a ATRIA SENIOR LIVING;  
JOHN A. MOORE, CEO; DANNY  
McCOY, COO; MAUREEN HUTCHEON;  
and JOHN DOE,**  
**Defendants.**

**CIVIL ACTION**

**NO. 15-2779**

**ORDER**

**AND NOW**, this 13th day of August, 2015, given that:

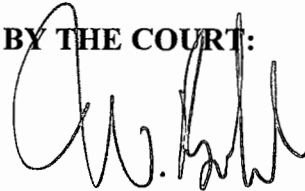
- (1) the Defendants Atria Management Co. *et al.* filed a Motion to Dismiss for Failure to State a Claim or, in the Alternative, for Summary Judgment [ECF No. 3] on May 26, 2015;
- (2) the Plaintiff David Cleary's response to the motion was due on June 26, 2015;
- (3) on July 8, 2015, the Court's civil deputy sent the Plaintiff a letter [ECF No. 9] notifying him that the Court had not received his response and instructing him to respond to the Defendants' motion by July 29, 2015, or his case may be dismissed with prejudice for failure to prosecute;
- (4) on July 30, 2015, the Court issued an Order [ECF No. 10]: (a) directing the Plaintiff to respond to the Defendants' motion no later than August 10, 2015; (b) requiring him, in the event he did not file his response by that date, to appear before the Court to explain why his Complaint should not be dismissed for failure to prosecute; and (c) warning him that failure to comply will subject his Complaint to immediate dismissal under Federal Rule of Civil Procedure 41(b);

- (5) the Plaintiff did not file his response by August 10, 2015; and
- (6) the Plaintiff did not appear before the Court on August 11, 2015,

And for the reasons provided in the Court's Memorandum Opinion on August 13, 2015, **IT IS ORDERED** that the Defendants' Motion to Dismiss is **GRANTED**, pursuant to Federal Rule of Civil Procedure 41(b), and the Plaintiff's Complaint [ECF No. 1] is **DISMISSED WITH PREJUDICE**.

The Clerk of Court is directed to close this case.

**BY THE COURT:**

A handwritten signature in black ink, appearing to read "W. Beetlestone", written over a horizontal line.

**WENDY BEETLESTONE, J.**